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Insurance Company; OptumInsight, Inc.

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

ALMONT AMBULATORY SURGERY CENTER, LLC, a California limited liability company; et al.,

Plaintiffs,

vs.

UNITEDHEALTH GROUP, INC.; et al.,

Defendants.

UNITED HEALTHCARE SERVICES, INC., UNITED HEALTHCARE INSURANCE COMPANY; OPTUMINSIGHT, INC.,

Counter-Plaintiffs,

vs.

ALMONT AMBULATORY SURGERY CENTER, LLC, a California limited liability company, et al.,

Case No. CV14-3053 MWF (VBKx)

UNOPPOSED *EX PARTE* APPLICATION TO FILE UNREDACTED COPY OF SECOND AMENDED COUNTERCLAIM UNDER SEAL PURSUANT TO LOCAL RULE 79-5.1

Judge: Hon. Michael W. Fitzgerald

Magistrate Judge: Hon. Victor B. Kenton

Trial Date: None Set

Counter-Defendants.

Pursuant to Local Rule 79-5.1, Counterclaim Plaintiffs UNITED HEALTHCARE SERVICES, INC., UNITED HEALTHCARE INSURANCE COMPANY, and OPTUMINSIGHT, INC. (together, "United") hereby apply to this Court for an Order to file under seal an unredacted copy of the Second Amended Counterclaim ("SACC"), complete with unredacted copies of all appendices and exhibits.

United filed the SACC on April 30, 2015 (dkt. 152). The SACC and its appendices and exhibits contain an extensive amount of sensitive Protected Health Information ("PHI") protected by the Health Insurance Portability and Accountability Act ("HIPAA"), Pub. L. 104-191 (1996), which was redacted in the version filed with the Court (dkt. 152). On May 1, 2015, counsel for United provided counsel for Counterclaim Defendants an unredacted copy of the SACC pursuant to Local Rule 5.2-1. On June 17, 2015, counsel for Counterclaim Defendants notified counsel for United that they believed an unredacted SACC should have been filed with the Court under seal.

Good cause exists to allow the filing of the unredacted version of the SACC under seal because it contains confidential medical information, and the need to protect medical privacy is a "compelling reason" justifying filing a document under seal, *see Karpenski v. Am. Gen. Life Cos.,LLC*, No. 2:12–cv–01569RSM, 2013 WL 5588312, at *1 (W.D. Wash. 2013) ("The need to protect medical privacy qualifies in general as a 'compelling reason' [to file under seal]."); *G. v. Hawaii,* Nos. 08–00551 ACK–BMK, 09–00044 ACK–BMK, 2010 WL 2607483, at *1 (D. Haw. June 25, 2010) (same); *Abbey v. Hawaii Employers Mut. Ins. Co.*, No. 09–000545 SOM/BMK, 2010 WL 4715793, at *1 (D. Haw. Nov. 15, 2010) (same); *Lombardi v. TriWest Healthcare Alliance Corp.*, No. CV–08–02381–PHX–FJM, 2009 WL 1212170, at *1 (D. Ariz.

May 4, 2009) (same); *Johansen v. S.D. Police Dep't*, No. 07cv1601-LAB (LSP), 2008 WL 170016, at *1 (S.D. Cal. Jan. 17, 2008) (same); *see also Skinner v. Ashan*, No. CV 04-2380, 2007 WL 708972, at *2 (D.N.J. Mar. 2, 2007) (observing that medical records "have long been recognized as confidential in nature").

Counsel for United notified counsel for Counterclaim Defendants, Daron Tooch, Eric Chan, Charles Kreindler, and Barbara Taylor that they would be making this application. Counsel for Counterclaim Defendants do not oppose this application.

Dated: June 22, 2015 WALRAVEN & WESTERFELD LLP

By: /s/ Bryan S. Westerfeld
Bryan S. Westerfeld

Attorneys for Defendant UnitedHealth Group, Inc. and Defendants/Counterclaim Plaintiffs United Healthcare Services, Inc., UnitedHealthcare Insurance Company and OptumInsight, Inc.

Dated: June 22, 2015 DORSEY & WHITNEY LLP

By: /s/ R.J. Zayed
R.J. Zayed

Attorneys for Defendant UnitedHealth Group, Inc. and Defendants/Counterclaim Plaintiffs United Healthcare Services, Inc., UnitedHealthcare Insurance Company and OptumInsight, Inc.